

**From:** Roger Rasmussen  
**To:** Microsoft ATR  
**Date:** 1/23/02 7:38pm  
**Subject:** Concerning the proposed MS vs. DOJ settlement

To: Renata B. Hesse  
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I have been following the Microsoft vs. DOJ trial since its beginning.

As a professional software developer I have followed desktop computer technology for many years, I've seen many competing and often technologically superior competitors slowly be snuffed out of the market because of the unique position Microsoft has by controlling the operating system that everyone else must build upon. In the early days, there were competing versions of DOS from other companies, competing office suite software, and other types of software that never saw the light of day for very long in the consumer marketplace because of the stranglehold Microsoft has had on PC and hardware developers.

Microsoft's deal with OEM's have always been exclusionary, threatening to pull licensing for Windows if the manufacturer decides to offer other operating systems or software that directly competes against Microsoft.

Because DOS/Windows has always held the lions share of the market any PC manufacturer that refused to go with Microsoft's wishes suddenly would find themselves at a big competitive disadvantage. The average PC consumer is used to having everything pre-installed because they don't want to bother themselves or are afraid to attempt it. Microsoft understood this and realized that by controlling the OEM, they could effectively control the software people would use. Microsoft continues to use these strong-arm tactics today even while the litigation is proceeding. PC manufacturers have always had to bow to Microsoft's wishes on what to pre-install because if Microsoft revokes the manufacturers' ability to pre-install Windows, consumers would go elsewhere. This effectively forces PC manufacturers to do Microsoft's bidding.

A truly open, competitive environment is one where systems are open and understood and the foundations to build a great computing experience are available on an equal basis to everyone wishing to compete. Also, a truly open market would allow equal access to software vendors seeking to have their products pre-installed on consumer systems. Microsoft has been able to put itself into a position where it can determine the reach of its competitors and always tilt the balance in its favor by owning the underlying operating system that is the foundation for building the software we use today.

The idea of allowing Microsoft to provide computers and its software to poor schools is noble, but it only serves to further Microsoft's monopoly power and make more people dependent on its technology. A modified form of this, such as providing Macintosh's would make more sense. In any case, the only real way to fix the problem is to force Microsoft to open up its platform (file formats, API's, etc) and end its exclusionary licensing practices so that other software companies products can compete on an equal footing.

I hope the final settlement will include a serious resolution to the stranglehold Microsoft has on PC manufacturers. This I believe is the only true way to allow competing operating system platforms, as well as applications software to be presented to a wide audience. The manufacturers themselves should be able to license and install what they believe to be in their own competitive interests, not Microsoft's.

Sincerely,

Roger Rasmussen

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